

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: GEORGE L. SHUGHART

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

GEORGE L. SHUGHART

CASE NO: 1-19-03276-HWV

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE**

AND NOW, on October 10, 2019, Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney James K. Jones, Esquire, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 1307(c) of 11 U.S.C., due to material default by the debtor(s) with respect to the terms of the plan.

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 1-14-04129-MDF

Counsel: GREGORY S. HAZLETT, ESQUIRE

Filing Date: 09/08/14

Date Dismissed: 09/10/15

Total Payments: \$5658.32

Chapter: 13

Result: dismissed for material default

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Case Number: 1-16-01405-HWV

Counsel: GREGORY S. HAZLETT, ESQUIRE

Filing Date: 04/04/16

Date Dismissed: 03/22/19

Total Payments: \$22623.00

Chapter: 13

Result: dismissed for material default

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Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of 2 prior Chapter 13 petitions within a 5 year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of conference, and/or hearing and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,  
James K. Jones, Esquire  
Id: 39031  
Attorney for Trustee  
Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: jjones@pamd13trustee.com

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CHAPTER 13

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CASE NO: 1-19-03276-HWV  
MOTION TO DISMISS WITH  
PREJUDICE

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss with Prejudice for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion as indicated below. If the matter is not resolved at or prior to the Trustee's Conference you must attend the scheduled hearing.

**CONFERENCE before Trustee:**

November 6, 2019 at 9:00 am  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg.  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

**HEARING:**

November 6, 2019 at 09:35 AM  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg.  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

You MUST attend the conference and dismissal hearing unless the matter is settled by one of the following having taken place prior to the Trustee's conference.

1. You have paid the following and have confirmed payment with Trustee DeHart's office.

**AMOUNT DELINQUENT AS OF LAST MONTH: \$ 430.92**

**AMOUNT DUE FOR THIS MONTH: \$215.46**

**TOTAL AMOUNT DUE BEFORE CONFERENCE/HEARING DATE: \$646.38**

**NOTE:**

**ALL payments must be made by CERTIFIED CHECK OR MONEY ORDER. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED.**

**DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and may result in dismissal of your case.**

**Mail payments by U.S. First Class Mail to:**

**CHARLES J. DEHART, III, PO BOX 7005, LANCASTER, PA 17604**

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the Court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court

and have served a copy of that motion upon Trustee DeHart.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL WITH PREJUDICE OF YOUR CASE.**

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: October 10, 2019

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on October 10, 2019, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail, unless served electronically.

GREGORY S. HAZLETT, ESQUIRE  
7 WEST MAIN STREET  
MECHANICSBURG, PA 170551517

Served electronically

United States Trustee  
228 Walnut Street  
Suite 1190  
Harrisburg, PA 17101

Served electronically

GEORGE L. SHUGHART  
34 PRICKLY PEAR DRIVE  
CARLISLE, PA 17013

Served by 1<sup>ST</sup> class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 10, 2019

Liz Joyce  
for Charles J. DeHart, III, Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
eMail: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

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MOTION TO DISMISS WITH PREJUDICE

**ORDER DISMISSING CASE WITH PREJUDICE**

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.